

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE COMMISSIONER OF REVENUE**

In the Matter of	)	
	)	
K. J	)	OAH No. 24-0602-PFD
	)	
<u>2024 Permanent Fund Dividend</u>	)	

NOTICE TRANSMITTING FINAL DECISION

Attached is the administrative law judge's decision in this matter, which became the final agency decision on December 31, 2024 by operation of AS 44.64.060(f).

Judicial review of the decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the decision is mailed or otherwise distributed.

DATED: December 31, 2024.

By: Signed
Office of Administrative Hearings

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DECISION

I. Introduction

K.J's application for a 2024 Permanent Fund Dividend (PFD) was denied because the PFD Division determined he had been incarcerated during the 2023 qualifying year under circumstances that would render him ineligible. Following an unsuccessful informal appeal, Mr. J requested a formal appeal hearing by correspondence before this tribunal.

The Division's denial of Mr. J's application is affirmed because Mr. J was incarcerated during the qualifying year of 2023 for a felony conviction. This incarceration disqualifies him from the 2024 dividend.

II. Facts

K.J timely applied for his 2024 PFD.¹ There are no issues regarding his eligibility apart from his incarceration during the qualifying year. Mr. J was convicted of second-degree murder and kidnapping, with a sentencing date of February 3, 2012.² The Alaska Department of Corrections records confirm his incarceration began in 2010, and he remains incarcerated as a result of this conviction, with a proposed release date of February 25, 2080.³

After the PFD Division (Division) denied his application for a 2024 dividend and maintained that decision through the informal appeal process, Mr. J initiated a formal appeal. On his Request for Formal Hearing form, he checked the box indicating that his preference for a hearing was by written correspondence only.⁴

By notice dated September 20, 2024, Mr. J and the Division were given until October 21, 2024, to send any additional documents or correspondence to the Office of Administrative

¹ Div. Ex. 1, pp. 1-4.

² Ex. 4.

³ *Id.*

⁴ Div. Ex. 6, p.1.

Hearings (OAH) for consideration, and a deadline of November 4, 2024, to submit a response to any materials the other side submitted.

The Division filed a position statement and Exhibits 1-6 on October 16, 2024. The Division's filing was accompanied by a Certificate of Mailing certifying that the same filing was mailed to Mr. J at his provided address on October 16, 2024. No documents were sent in by Mr. J nor did he submit any response to the materials the Division submitted.

III. Discussion

The Alaska legislature has directed that “an individual is not eligible for a permanent fund dividend for a dividend year when . . . during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a . . . felony.”⁵ The qualifying year for a 2024 PFD was 2023.⁶

As the individual challenging the Division's decision, it is Mr. J's burden to establish that it is more likely than not that he is eligible for a 2024 PFD. As a practical matter, this means that Mr. J must demonstrate he was not incarcerated for a felony conviction during any part of 2023.

While Mr. J did not submit additional documentation to OAH after making his formal appeal request, he did include documentation and assertions with his informal and formal appeal paperwork setting forth his position.⁷

Mr. J states as Fact #1 in his formal appeal form that “[a]ll Alaska laws [and] statutes are fraud [and] obstruction of justice.”⁸ As Fact #2, he states that the “[d]enial of application violates Constitutional Bill of Rights.”⁹ As Fact #3: “I am not a legal fiction or a 14th Amendment Citizen.”¹⁰ And as Fact #4: “Alaska is a State of the United States of America and unknown to the Constitution of the United States of 1787, therefore, the constitution, statutes, administrative codes of Alaska have no effect, no jurisdiction, and are null and void.”¹¹

⁵ AS 43.23.005(d).

⁶ AS 43.23.295(6).

⁷ Div. Ex. 3 and Div. Ex. 6.

⁸ Div. Ex. 6, p.2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

The content and style of Mr. J’s claims and arguments in this case are consistent with the expressed belief system of a group that has come to be known as “sovereign citizens”.¹² For example, Mr. J states his name as “J: K TM ©” and he asserts that he is “a sui juris and Sovereign.”¹³ Courts across the country, including the Alaska Supreme Court when confronted with Mr. J’s same assertion, have universally rejected these types of ‘sovereign citizen’ claims.¹⁴

In his request for a formal hearing, Mr. J appears to be arguing, that all Alaska statutes and laws somehow create some type of fraud and obstruction of justice.¹⁵ He also appears to contend that all “actors of the State of Alaska” are required to provide a license, oath and bond upon request and failure to do so upon his demand violates his constitutional rights.¹⁶ Alaska courts have previously interpreted these arguments by Mr. J as an assertion that his conviction was an improper violation of his civil rights.¹⁷ In essence, Mr. J’s appears to be arguing that because his conviction is constitutionally unsound, he is eligible for his PFD.

However, this administrative tribunal has no jurisdiction to make any findings regarding the constitutionality or soundness or Mr. J’s conviction.¹⁸ Despite the arguments and documents submitted in and with his informal and formal appeal, Mr. J does not contest the Division’s factual finding that he was incarcerated during the 2023 qualifying year for a felony conviction.

IV. Conclusion

Mr. J’s incarceration during the 2023 qualifying year as a result of his felony conviction disqualifies him from his 2024 PFD. Therefore, the decision of the Permanent Fund Dividend Division to deny his application for the 2024 Permanent Fund Dividend is AFFIRMED.

Dated: November 15, 2024

Signed

Beth Goldstein
Administrative Law Judge

¹² *J v. Office of the Governor*, 538 P.3d 702, 703 (Alaska 2023) (footnotes omitted).

¹³ Div. Ex. 3 and Div. Ex. 6.

¹⁴ *J v. Office of the Governor*, 538 P.3d at 704.

¹⁵ Div. Ex. 6, p.2.

¹⁶ *Id.*

¹⁷ *J v. Office of the Governor*, 538 P.3d at 705.

¹⁸ Alaska Statutes 44.64.010 – 44.64.200.